തിരുവിതാംകൂർ-കൊച്ചി നിയമസഭ.

താഴെപ്പറയുന്ന ബിൽ ൧൯൫൦ നവംബർ ൧൬-ാം തീയതി തിരുവിതാംകൂർ-കൊച്ചി നിയമസഭയിൽ അവതരിപ്പിച്ചു.

കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്ക് (ഭേദഗതി)

ബിൽ.

പീഠിക. ൧൧൨൧-ലെ ൨൭-ാമതു ആക്റ്റായ കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്ക് ആക്റ്റ് താഴെ പറയുന്ന കാര്യത്തിനായി ഭേദഗതി ചെയ്യേണ്ടതു ആവശ്യമെന്നു കാണുന്നതിനാൽ, ഇതിനാൽ താഴെ കാണുംപ്രകാരം നിയമമുണ്ടാക്കിയിരിക്കുന്നു.

ചുരുക്കപ്പേരും ആരംഭവും. ൧. (൧) ഈ ആക്റ്റിന് ൧൯൫൦-ലെ കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്ക് (ഭേദഗതി) ആക്റ്റ് എന്നു പേർ പറയുന്നതാണ്.

(൨) ഇതു ഉടനടി പ്രാബല്യത്തിൽ വരുന്നതാണ്.

൨. ൧൧൨൧-ലെ ൨൭-ാം ആക്റ്റായ കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്ക് ആക്റ്റ് ൨-ാം വകുപ്പു താഴെ കാണുംപ്രകാരം പുതുക്കാവുന്നതാണ്.

൩. ചിറ്റൂർ, തലപ്പിള്ളി, തൃശ്ശൂർ, മുകുന്ദപുരം, കൊടുങ്ങല്ലൂർ, പറവൂർ, കുന്നത്തുനാട്, കൊച്ചി കണയന്നൂർ എന്നീ താലൂക്കുകൾ ഉൾപ്പെടുന്ന, തിരുവിതാംകൂർ-കൊച്ചി സംസ്ഥാനത്തെ തൃശ്ശൂർ ഡിസ്ട്രിക്റ്റ് മുഴുവൻ, ഇതു വ്യാപിക്കുന്നതാകുന്നു.

ഉദ്ദേശകാരണവിവരണം.

൧൧൨൧-ലെ ൨൭-ാം ആക്റ്റായ കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്ക് ആക്റ്റ് പഴയ കൊച്ചി സംസ്ഥാനം മുഴുവൻ വ്യാപിക്കുന്നു. ഇപ്പോൾ കൊച്ചി സഹകരണ ഭൂസ്വത്തു ജാമ്യബാങ്കിന്റെ പ്രവർത്തനങ്ങൾ കൊച്ചി പ്രദേശം മാത്രമാകുന്നു. അടുത്ത കാലത്തു പറവൂർ, കുന്നത്തുനാട് താലൂക്കുകൾ തൃശ്ശൂർ ഡിസ്ട്രിക്റ്റിൽ ചേർത്തിട്ടുണ്ട്. ഈ ബില്ലിന്റെ ഉദ്ദേശം ഭൂസ്വത്തു ജാമ്യബാങ്കിന്റെ പ്രവർത്തനങ്ങൾ തൃശ്ശൂർ ഡിസ്ട്രിക്റ്റ് മുഴുവൻ വ്യാപിപ്പിക്കാനാകുന്നു.

കെ. പി. വേലായുധൻ.

നിയമസഭാ സെക്രട്ടറിയാഫീസ്,
തിരുവനന്തപുരം ൧൯൫൦ ഡിസംബർ ൫-ാം

വി. കൃഷ്ണപിള്ള,
സെക്രട്ടറി, നിയമസഭ.

L D (b) 3—2943/50/Law.

NOTIFICATION.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Rajpramukh,
N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Government Secretariat,
Law Department,
Trivandrum, 4th December 1950.

ACT XXXIV OF 1950.

THE TRAVANCORE-COCHIN FISHERIES ACT.

Preamble.

WHEREAS it is expedient to make provisions for matters relating to Fisheries in the State of Travancore-Cochin;

It is hereby enacted as follows:—

Short title.

1. (1) This Act may be called the Travancore-Cochin Fisheries Act, 1950.

Extent.

(2) It extends to the whole of the State of Travancore-Cochin.

Commencement.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

"Fish" includes shell-fish;

"Fixed engine" means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way; and

"Private water" means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery, whether as owner, lessee or in any other capacity.

Explanation: — Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

Close time.

3. (1) The Government may, by a notification in the Gazette, declare the whole year or any part thereof to be a close time in any area for any kind of fish.

(2) Subject to the provisions hereinafter contained it shall be unlawful except under a license, and in the manner and to the extent permitted thereby to capture any fish during such close time.

Protection of fish in selected waters by rules passed by Government.

4. (1) The Government may make rules for the purposes hereinafter in this section mentioned and may, by a notification in the Gazette, apply all or any of such rules to such waters, not being private waters, as the Government may specify in the said notification.

(2) The Government may also, by a like notification, apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit all fishing in any specified water except under a license granted by the Government and in accordance with such terms and conditions as may be specified therein.

(4) Such rules may also prohibit or regulate either permanently, or for a time or for specified seasons only, all or any of the following matters, that is to say:—

(*a*) the erection and use of fixed engines;

(*b*) the construction of weirs;

(c) the dimension and kind of the contrivances to be used for taking fish generally, or any specified kind of fish and the modes of using such contrivances;

(d) the minimum size or weight below which no fish of any prescribed species shall be killed;

(e) the variety, description or power of lights used for fishing; and

(f) the destruction of fish or depletion of fisheries by pollution by trade or industrial effluents.

(5) Notwithstanding anything contained in sub-section (1) (2), (3) or (4), the Government may for the purpose of preserving or protecting fish in any area, make rules restricting, regulating or otherwise controlling fishing in private waters generally, and they may by notification in the Gazette apply all or any of such rules to such private waters as they may specify in the said notification after giving notice to the owners thereof and to all persons having or believed to have an exclusive right of fishing therein and after hearing their objections, if any.

(6) In making any rule under this section the Government may provide for—

(a) the seizure, forfeiture and removal of any fixed engines erected or used or nets or other contrivances used for fishing in contravention of the rules, and

(b) the forfeiture of any fish taken by means of any such fixed engine or nets or other contrivances.

5. The Government may, by notification in the Gazette, prohibit in any specified area the offering or exposing for sale or barter of any fish killed in contravention of any rule made under the last foregoing section.

Offering or exposing for sale or barter any fish killed in contravention of rules under Section 4.

6. The breach of any notification under Section 3 or of any rules made under Section 4, or of any notification under Section 5, shall be punishable with fine which may extend to one hundred rupees:

Penalty.

Provided that the Superintendent of Fisheries or any officer not below the rank of a Fishery Inspector specially authorised by Government in that behalf may accept from any person

reasonably suspected of having committed an offence against the rules made under sub-section (3) of Section 4 by way of compensation for the offence which may have been committed, and where any property has been seized as liable to forfeiture may release the same on payment of the value thereof as estimated by him.

Destruction of fish by explosives in inland waters and on coasts.

7. (1) If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees, or with both.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

Destruction of fish by poisoning waters.

8. (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

(2) The Government may, by notification in the Gazette, suspend the operation of this section in any specified area and may, in like manner, modify or cancel any such notification.

Grant of license.

9. The Government may, from time to time, make rules to determine the officers by whom, the form in which and the terms and conditions subject to which any license shall be granted.

Cancellation of license.

10. Subject to any rule made in this behalf by the Government, any license may be cancelled or suspended by the authority competent to issue the license—

(a) when any of the terms or conditions of the license has been infringed, or

(b) when the holder or any of the holders has been convicted of an offence against the provisions of this Act.

11. Every license granted under this Act shall, unless otherwise provided for in the rules, be transferable, and may be granted and renewed for any period not exceeding one year, subject to the payment of such fee and on such conditions as may be fixed by rules made by the Government from time to time:

Period of and fees for license.

Provided that the Government or any Officer empowered by the Government in this behalf may, either in the interests of scientific research or for any other cause, exempt any person from taking out a license under this Act:

Provided further that the provisions of this section shall not apply to fishing stakes and China nets.

12. Every holder of a license granted under this Act shall be bound to produce such license for inspection at any time, on being required to do so by any Magistrate, or by any Police-Officer, or by any other person authorised in this behalf, by name or in virtue of his office, by the Government.

Duty of license holders to produce license.

13. Whoever, having been already convicted of an offence under this Act, is again convicted thereunder, shall, on every subsequent conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Subsequent convictions for offences under the Act.

14. When any person is convicted of an offence punishable under this Act the convicting Magistrate may direct that any fish in respect of which the offence has been committed or the flesh or any part of such fish, together with the instruments, if any, with which the offence was committed, shall be confiscated.

Confiscation.

15. Where any person is found carrying any fish recently captured or killed, together with any instruments with which such fish could be so captured or killed, the Court shall presume that he has captured or killed such fish with such instrument.

Presumption of commission of certain offences.

16. When the holder of a license granted under this Act has been convicted of an offence thereunder, the convicting Court shall send a copy of its judgment together with the license (if before the Court) to the nearest authority empowered to cancel the license under this Act, for such action as such authority may deem fit.

Duty of Court as regards cancellation of license.

17. Where any person commits an offence against the provisions of this Act in the presence of a Police Officer, or of any other person authorised in this behalf by name or in virtue of his office by the Government, such officer or person may seize the fish, if any, captured or killed and also any instrument used in the commission of such offence, and shall send them without unnecessary delay, together with a report of the circumstances, to a Magistrate competent to take cognizance of the alleged offence.

Power of seizure when offence committed in presence of certain Officers and persons.

18. The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act and to provide for appeals from orders made under this Act by any person other than a Magistrate, and such rules, when so published, shall have the force of law.

Power of Government to make rules.

19. (1) Wherever it appears that adequate arrangements have been made by any club or association for preserving and protecting in any water any non-indigenous variety of fish specified by the Government by notification in the Gazette, the Government may by order in writing concede to such club or association the exclusive right of taking such fish in such water within such limits and for such period and subject to such conditions as the Government may deem fit.

Power of Government to concede right of taking certain imported fish to clubs or associations.

(2) Any club or association to which such right has been conceded may, subject to the approval of the Government, make rules for the protection and preservation of the fish to which the concession applies, and for regulating the manner in which they may be taken. Such rules when approved by the Government shall be published in the Gazette.

(3) In particular, and without prejudice to the generality of the power conferred by the last preceding sub-section, such rules may —

(a) provide for the issue of licenses by the club or association (either in addition to or in substitution for the licenses prescribed by Section 9) enabling the licensees to fish for and take the fish to which the concession applies subject to the rules of the club or association;

(b) prescribe the fees chargeable on the issue of such licenses;

(c) provide for the application of such fees; and

(d) prescribe a close season for the fish with regard to which the concession was given.

Fishing without license in conceded waters.

20. Any person who fishes or takes, or attempts to take, any fish for the taking of which a license is required by rules made under Section 19 without such license, or during the close season prescribed by such rules, or in contravention of any of such rules, shall be liable to the punishment prescribed by Section 6.

Power to arrest.

21. Any Police-Officer or other person specially empowered by the Government in this behalf may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act or of any rule made thereunder, if the name and address of such person be unknown to him and if such person declines to give his name and address or if the Police-Officer or any person empowered as aforesaid shall have reason to doubt the accuracy of such name or address, if given, such person may, subject to the Code of Criminal Procedure for the time being in force, be detained at the Station-house until his name and address shall be correctly ascertained.

Prohibition against attracting prawns into private waters except under a license.

22. (1) Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person except under a license, and in accordance with the terms and conditions, if any, prescribed by rules made under this section, to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of Section 4 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any other means whatsoever.

(2) Any person contravening the provisions of sub-section (1) shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(3) The Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a license may be issued.

(4) Fee at such rates as may be fixed by the Government by rules made under sub-section (3) shall be paid in respect of every license issued under sub-section (1):

Provided that the fee payable for any such license shall not exceed a sum calculated at rupees five per acre of the private waters into which prawns are attracted or caused or allowed to migrate.

(5) The breach of any rule made under sub-section (3) or of the conditions of any license issued under sub-section (1), shall be punishable with fine which may extend to one hundred rupees.

Power to apply provisions of Act to shells of fish.

23. The Government may, by notification in the Gazette, apply the provisions of this Act to shells of fish, if, in their opinion, it is desirable to prohibit or regulate the collection of the same from any water.

Explanation.—For purposes of this section, the word "water" includes the sea within a distance of one marine league of the sea coast.

Repeal.

24. The Travancore Fisheries Act, XI of 1097 and the Cochin Fisheries Act, III of 1092 are hereby repealed:

Provided that all licenses granted under the said Acts shall continue in force for the periods for which the same have been granted subject to the provisions of the said Acts.

NOTIFICATION.

LD (b) 3—3171/50/Law.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
The Raj Pramukh,
N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Government Secretariat,
Law Department,
Trivandrum, dated 4th Dec. 1950.

ACT XXXV OF 1950.

THE TRAVANCORE-COCHIN HACKNEY CARRIAGE ACT.

Preamble.

Whereas it is expedient to declare the law relating to the regulation of Hackney Carriages;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title.

1. (1) This Act may be called the Travancore-Cochin Hackney Carriage Act, 1950.

Local extent.

(2) It shall extend to all such local areas in the State of Travancore-Cochin as the Government may, by notification in this behalf, from time to time, declare.

Commencement.

(3) It shall come into force in any area to which it may be extended by a notification of the Government on such date as may be specified in the notification.

Appointment of Registering Officer.

(4) Upon the extension of this Act to any local area the Government shall appoint for such area a person or persons by name or official designation to perform the functions of a Registering Officer under this Act.

2. In this Act, unless there be something repugnant in the subject or context,—

Definitions.

(1) "Registering Officer" shall mean the Inspector-General of Police, or any other person appointed, by name or by virtue of his office, by the Government, for registering, within a particular area, hackney carriages;

"Registering Officer"

(2) "Magistrate" means any Magistrate having local jurisdiction in any area to which this Act extends;

"Magistrate".

(3) "Hackney carriage" means any wheeled vehicle drawn or pushed by man or horse, bullock or other animal, and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance;

"Hackney carriage".

(4) "Driving" includes dragging or pushing, and "Driver" includes any person who drives, drags or pushes any hackney carriage;

"Driving and driver".

(5) "Horse" includes mule or pony;

"Horse".

(6) "Year of registration" means the year ending with the last day of March;

"Year of registration".

(7) "Minor" means any person who has not completed the age of eighteen years.

"Minor".

CHAPTER II.

Registration and Numbering of Hackney Carriages.

3. Every hackney carriage shall be annually registered by the Registering Officer.

Annual registration compulsory.

4. (1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the Registering Officer and shall submit such vehicle for such inspection as the Registering Officer may direct.

Application for registry.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purpose of this Act.

5. Every applicant under Section 4 shall be entitled to registration unless the Registering Officer is of opinion that the vehicle is not fit for

Right to registry.

public use: Provided that no vehicle shall be registered in the name of a minor: Provided further that the Registering Officer shall have powers—

(1) to limit the number of vehicles of any description which may be registered annually in which case no vehicle of that description shall be registered in any year in excess of the number so limited.

(2) to refuse to register vehicles of a particular description in which case no vehicle of that description shall be registered.

Grant of carriage license.

6. (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the applicant.

Currency of license.

(2) A license granted under this section shall be in force for the year of registration.

Form of license.

7. The following particulars shall be entered in the register and in the license to be given to the applicant:—

First—The number in the register of the hackney carriage.

Second—The name and residence of the owner and the place where the carriage is kept.

Third—A description of the carriage.

Fourth—The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn or pushed by men, the number of men to be so employed.

Fifth—The number of passengers such carriage is licensed to carry.

Sixth—The date of the license.

Fee for license.

8. A fee shall be paid to the Registering Officer for each license in accordance with the following scale:—

		Rs.	*As.*	*Ps.*
(*a*) For every four-wheeled carriage drawn by two or more horses licensed to carry more than six passengers	...	3	0	0
(*b*) For every other four-wheeled carriage drawn by two horses	...	2	0	0
(*c*) For every other four-wheeled carriage drawn by one horse or by one or more bullocks	...	1	0	0

	Rs.	As.	Ps.
(d) For every two-wheeled carriage drawn by one or more horses ...	0	8	0
(e) For every two-wheeled carriage drawn by one or more bullocks ...	0	4	0
(f) For every rickshaw, perambulator or other carriage drawn or pushed by one or more men ...	0	4	0

Fee for certified copy of register or license.

9. Every person applying for a certified copy of the particulars in the register or license mentioned in Section 7 shall be furnished the same on payment of a fee of four annas.

Suspension of license by Registering Officer.

10. The Registering Officer may suspend for such period as he thinks fit the license of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use.

Transfer of registry.

11. On any transfer of ownership of a hackney carriage, the transferee shall, if he desires to use it as such, within one week from the date of the transfer, apply to the Registering Officer for transfer of the registry, giving him the particulars specified in the first three clauses of Section 7.

Notice of change of residence, etc., to be given by licensee.

12. (1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his license and give to the Registering Officer a notice in writing signed by him specifying the new residence or place.

Penalty.

(2) Every such owner who neglects to forward his license or give such notice shall be liable to a fine not exceeding twenty rupees.

Transfers and change of residence to be registered.

13. The Registering Officer, on receiving the application or notice specified in either of the two last preceding sections, shall make the necessary alteration in the register and the license, and return the license; and a fee of four annas shall be payable along with every such application or notice.

14. Whoever keeps any hackney carriage which has not been duly licensed under this Act, shall be liable to a fine not exceeding twentyfive rupees.

Penalty for keeping unlicensed hackney carriage.

15. (1) Upon the registration of any hackney carriage, the Registering Officer shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

Numbering of hackney carriage.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owner of the carriage shall be bound to produce it before the Registering Officer and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Registering Officer to have a new plate affixed.

Renewal of inscription or plate.

(3) The fee for the painting or the plate, done or supplied under Sub-section (1) or Sub-section (2) shall be four annas, payable to the Registering Officer.

Charge for the painting or plate.

16. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by Section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

Penalty for plying for hire without plate

17. (1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Registering Officer.

Return of plate on expiry of license.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said Officer, shall be liable to a fine not exceeding twenty rupees.

Penalty.

18. (1) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction

Penalty for using counterfeit-plate.

under this Section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Seizure of counterfeit plate.

(2) Any Police Officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Registering Officer.

CHAPTER III.

Driver's License and Badge.

Grant of driver's license.

19. (1) It shall be lawful for the Registering Officer to grant a license to act as driver of any hackney carriage to any applicant whom he may consider fit, provided he is not a minor.

Form of license.

(2) Every such license shall contain—

the number of the license, the name, place of abode and age of the person to whom such license is granted,

the description of carriage and animals, if any, to be used therewith, and

the date on which the license was granted, and shall bear the signature of the Registering Officer.

Currency of and fee for license.

(3) Such license shall be in force for the year of registration and the fee payable therefor shall be one rupee, unless the license relates solely to a carriage of the description specified in Clause (f) of Section 8, in which case the fee shall be four annas.

Particulars of license to be registered.

20. The particulars of every license which shall be granted under the provisions of Section 19 shall be entered in a register by the Registering Officer and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of four annas.

Penalty for driving without license or lending license.

21. If at any time fifteen days after the time when a license should have been obtained, any person acts as the driver of a hackney carriage without having a license in force for the time being or, having a license, fails to carry it with him when driving a hackney carriage, or transfers or lends it or allows it to be used by any other person, he shall be liable to a fine not exceeding twenty rupees.

22. The Registering Officer may suspend for such period as he thinks fit the license of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed.

Suspension of license by Registering Officer

23. The owner of a hackney carriage, who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage, shall be liable to a fine not exceeding fifty rupees:

Penalty for suffering unlicensed person to drive.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done, or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Proviso.

24. (1) The Registering Officer shall, at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license.

Supply of badge to driver.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any Magistrate, in his capacity as driver, wear such badge exposed to view.

Driver to wear badge.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver or attending before a Magistrate, in his capacity as driver, he shall be liable to a fine not exceeding ten rupees.

Penalty.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the license, and also whenever any badge is lost or stolen, the person to whom the license relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new license and badge delivered to him upon payment of half the fee mentioned in Section 19. Such new license shall be in force for the year of registration.

Renewal of lost or damaged badge.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

Penalty.

25. (1) Upon the expiration or other determination of any license granted to a driver under this Act, he shall deliver such license and his badge to the Registering Officer.

Return of expired license and badge.

(2) Every driver who neglects for three days to deliver such expired license and badge to the Registering Officer and also every person who uses or wears, or fraudulently detains any such expired license or badge and every person to whom any expired license or badge has been delivered, who lends, gives away, pledges or sells such badge to any other person, and every person who detains, wears or uses any license or badge of any other person, shall be liable to a fine not exceeding twenty rupees.

Penalty.

26. Every person who, for the purpose of deception, uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Penalty for using counterfeit badge.

27. Any Police Officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under Section 25 has been committed, wheresoever the same may be found, and deliver the same to the Registering Officer.

Seizure of expired or counterfeit badge.

28. Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who, on such requisition, refuses to produce such license, shall be liable to a fine not exceeding five rupees.

Penalty for failing to produce license before Magistrate.

29. On the conviction of any driver for any offence under this Act, the Magistrate shall cause to be endorsed on his license the nature of the offence, the date of the conviction and the penalty inflicted.

Convictions under Act to be endorsed on license.

30. (1) On the conviction of any driver for any offence under this Act, the Magistrate may direct the cancellation of the license of such driver or its suspension for such time as he thinks fit.

Cancellation or suspension of license on conviction.

(2) For such purpose, he may require the driver or any other person who may be in possession of the license or badge to deliver up the same.

Delivery of license or badge on conviction.

(3) If such driver or other person refuses or neglects to deliver up the license or badge, he shall be liable to a fine not exceeding ten rupees.

Penalty.

(4) The Magistrate shall forward every license and every badge delivered up to him under Sub-section (2) to the Registering Officer together with a memorandum of his sentence in the case.

Magistrate to communicate sentence and forward license and badge to Registering Officer.

(5) The Registering Officer shall enter the fact of such sentence in the register referred to in Section 20, and shall either suspend or cancel such license according to the direction of the Magistrate; and if it has been suspended, the Registering Officer shall, on application, at the end of the period of suspension, re-deliver such license or badge to the person to whom it was granted.

Action to be taken by Registering Officer.

CHAPTER IV.

Fares, Hiring and Plying for Hire.

31. (1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Registering Officer with the sanction of the Government duly notified.

Maximum fares for use of hackney carriages.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

Back fares prohibited.

32. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with Section 31 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If, in pursuance of such agreement, any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

Contract for higher fare invalid.

33. (1) The Registering Officer shall cause to be prepared a list in English and in any other local language of the fares published under Section 31 and shall annex to such list a table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Publication of authorised fares and distances.

(2) Copies of such list and table shall be issued to all applicants on payment of a fee of four annas for each copy or of such other sum as the Registering Officer, subject to the control of the Government, may prescribe.

Copies of published scale to be available for sale.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any Police Officer or for the information of any hirer of, or passenger by, his carriage and shall, in default, be liable to a fine not exceeding ten rupees.

Driver to keep copy of published scale and produce on demand.

(4) The Registering Officer shall also cause an abstract of the fares referred to in sub-section (1) to be prepared in English and in any other local language and printed on enamelled plates and such plates shall be issued to applicants on payment of a fee of four annas for each plate.

Fare plates.

(5) Every hackney carriage shall have such a plate affixed, and, as often as any portion of the printing on any such plate becomes indistinct or obliterated, re-affixed on a conspicuous part of the carriage in accordance with the directions of the Registering Officer.

Fare plates to be affixed on carriages.

(6) If any hackney carriage stands or plies for hire without such a plate affixed or re-affixed as required by sub-section (5), the owner and driver thereof shall be punishable with fine not exceeding twenty rupees.

Penalty for plying for hire without fare plate.

34. (1) The driver of every hackney carriage of the description specified in clause (f) of Section 8 standing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring.

Maximum distance to which driver is bound to drive.

(2) When any hackney carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the Registering Officer.

Minimum speed when hired by time.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this section, shall be liable to a fine not exceeding ten rupees.

Penalty.

35. The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by the bye-laws under this Act.

Quantity of luggage to be carried.

36. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire, shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the Magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

Penalty for refusing to let hackney carriage for hire.

37. Every driver of a hackney carriage who—

Penalties for various offences by driver.

(a) is drunk during his employment,

(b) makes use of insulting or abusive language or gesture,

(c) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(d) wilfully obstructs, or hinders, the driver of any other hackney carriage in taking up or setting down any person into, or from, such other carriage,

(e) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(f) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(g) carries more than such number of passengers,

(h) refuses to carry such quantity of luggage as it provided by the bye-laws under this Act,

(i) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same,

(j) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(l) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(m) plies for hire with any carriage which is not fitted with any suitable warning signal, such as bell, horn or other contrivance,

(n) without previously disinfecting it, knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both.

Requisition to owner to produce absent driver.

38. (1) When a complaint is made before a Magistrate against the driver of a hackney carriage under this Act, the Magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver.

Penalty.

(2) If the owner, after being duly summoned, fails without reasonable excuse, to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

Ex parte disposal of complaint.

(3) If the owner fails without reasonable excuse to appear or produce such driver on a subsequent summons requiring him to do so, the Magistrate may dispose of the complaint in the absence of the owner and driver or either of them.

Special provision regarding rikshaws.

39. Notwithstanding anything contained in this Act, the fine in respect of any offence relating to rikshaws under this Act shall not exceed ten rupees.

40. (1) In case of any dispute between the hirer and driver of any hackney carriage, either may require the other to proceed forthwith to the nearest Magistrate's Court having local Jurisdiction; and the then sitting Magistrate shall hear and determine the dispute in a summary way.

Procedure in case of disputes between hirer and driver.

(2) If no Magistrate be then sitting, either party may require the other to proceed to the nearest Police Officer who shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

(3) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (1) or sub-section (2) or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte*, and his decision shall be binding on both parties.

41. (1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Act, the Magistrate may order payment of such fare, and also of reasonable compensation for loss of time, and, in default of immediate payment, such fare and compensation may be recovered as a fine.

Procedure in case of refusal to pay fare.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub-section (1).

42. (1) Every person who wilfully tears, destroys, defaces, obliterates or removes any plate, list of fares, table of distances or driver's badge, kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees.

Penalty for defacing or destroying plate, badge or table of fares.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, table of distances, or driver's badge, belongs.

43. Every person using a hackney carriage who wilfully injures the same, shall be liable to a fine not exceeding twenty rupees and shall also pay to the owner such compensation for the injury as the Magistrate may direct; and such compensation shall be leviable as if it were a fine.

Penalty for wilful injury to hackney carriage.

44. (1) The Registering Officer shall appoint a sufficient number of public stands for hackney carriages.

Hackney carriage stands.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice in English and in any other local language stating that the stand is a public stand under this Act, and specifying the number of carriages that may stand upon it.

CHAPTER V.

Lost Property.

Deposit with Police of property left in hackney carriage.

45. (1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest Police Station and deposit it with the Inspector or other Officer on duty and shall be entitled to a receipt duly signed by the Officer taking charge of the same.

Penalty.

(2) Any such owner or driver making default herein shall be liable to a fine not exceeding one hundred rupees.

Police to register particulars of property deposited and grant receipt.

46. (1) The said Officer shall forthwith enter, in a book to be kept for that purpose,—

(*a*) the description of the property ;

(*b*) the name and address of the driver or other person who brings it ;

(*c*) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage ; and

(*d*) the day and hour when the property is brought ;

and shall give to the person bringing the property a receipt for the same.

Return of property to owner.

(2) Such property shall be delivered to the person who satisfies the Registering Officer that it belongs to him, upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the Registering Officer may award :

Sale of unclaimed property.

Provided that, if the property is not claimed and the ownership established within six months from the date of deposit, the Registering Officer may cause the property to be advertised and sold

by public auction: Provided further that when the property so deposited is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the Registering Officer may cause it to be sold at once;

and the proceeds, after deducting the expenses together with such reasonable sum as the Registering Officer may award to the owner or driver, may be forfeited to the Government, if within the period aforesaid the ownership is not established.

CHAPTER VI.

Prosecutions.

Ex parte disposal of criminal charges.

47. If, in any prosecution under this Act, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

Limitation restricting criminal proceedings.

48. (1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence.

Continuing offences.

(2) For the purposes of this section, every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues.

Compensation for frivolous prosecution.

49. Where the Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER VII.

Bye-Laws and Delegation.

Power to make bye-laws.

50. The Registering Officer may, subject to the approval of the Government and after previous publication, make bye-laws not inconsistent with the provisions of this Act, with regard to—

(*a*) the examination and qualifications of drivers and the conditions under which they may be employed;

(*b*) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the

dimensions of such carriages, and the condition in which such carriages and horses, bullocks or other animals, harness and other things used therewith shall be kept ;

(c) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept ;

(d) the fitting of bells, horns or other warning signals to carriages and for testing the same;

(e) the protection of weak, lame and sickly horses, bullocks or other animals ;

(f) the publication of list of fares and table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge ; and

(g) generally for carrying out the purposes of this Act :

Provided that such bye-laws shall not take effect until the expiration of one month from the date of their publication.

Penalty for breach of bye-laws.

51. Whoever infringes any bye-law shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of Registering Officer's functions.

52. With the sanction of the Government, the Registering Officer may delegate to any other Officer under him all or any of his functions under this Act, except the power to make bye-laws under section 50.

Repeal.

53. The Travancore Hackney Carriage Act, VI of 1089 and the Cochin Hackney Carriage Act, II of 1098 are hereby repealed.

Gazette No. 50 dated 12-12-1950.

L. D. (b) 3-1881/50/Law.

NOTIFICATION.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

Government Secretariat,
Law Department,
Trivandrum,
Dated 4th December 1950.

By order of His Highness
the Rajpramukh,
N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XXXVI OF 1950.

THE TRAVANCORE-COCHIN LAND DEVELOPMENT ACT.

Preamble.

Whereas it is considered necessary to provide for the preparation and execution of schemes for the control and prevention of soil erosion by constructing terraces and other anti-erosion works, and to provide generally for the preparation and execution of other schemes for the improvement of cultivation of lands, reclamation of waste lands, preservation of forests and such other matters;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Travancore-Cochin Land Development Act, 1950.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(i) "Board" means the Land Development Board constituted under Section 3;

(ii) "Collector" means the Collector of the District;

(iii) "Inquiring Officer" means an officer appointed as such by the Board;

(iv) "Land Development Officer" means an Officer appointed as such by Government;

(v) "Owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, the rent or profit derivable from land, a tenant, an occupant or a mortgagee in possession of land;

(vi) "Prescribed" means prescribed by rules made under this Act; and

(vii) "Work" means any work carried out or to be carried out under any scheme under this Act.

3. Government shall constitute a Land Development Board consisting of a Chairman and four members of whom two at least shall be non-officials.

Land Development Board

4. (1) Whenever it appears to the Board that it is desirable to provide for the better preservation and protection of land in any area or to provide for any or all of the matters specified herein, the Board may direct the preparation of a land development scheme for any such area. A scheme may make provision for any or all of the following matters, namely:—

Powers of the Board to direct preparation of land development schemes and matters for which the scheme may be prepared.

(a) preservation and improvement of soil;

(b) prevention of soil erosion;

(c) improvement of water supply;

(d) improvements in the method of cultivation and type of farming;

(e) increased production of food crops;

(f) reclamation of water-logged or otherwise waste lands;

(g) prohibition or control of grazing;

(h) control and maintenance of tree-growth;

(i) regulation or prohibition of cutting down or destroying of trees and other growths, setting on fire trees, timber, forest produce or other wild growth;

(j) planting or sowing of trees, shrubs and grasses for the purpose of afforesting uncultivable land or for providing shelter beds against wind or sand or for any other purposes; and

(k) such other matters not inconsistent with the objects of this Act as may be prescribed.

(2) On a direction being issued by the Board under sub-section (1), the Land Development Officer shall prepare in accordance with such instructions as the Board may issue, a draft scheme containing the following particulars, namely:—

(a) the objects of the scheme;

(b) the boundaries and approximate area of the land to be included in the scheme;

(c) the persons including Government who will be affected by the scheme;

(d) the works to be carried out under the scheme and the owners of the land who shall carry them out;

(e) the agency or agencies through which such work shall be carried out;

(f) where any work under the scheme is likely to benefit persons other than the owners of the lands by whom it is carried out, the names of such persons and the proportion, if any, in which they shall pay to the owners carrying out the work their contribution towards the cost of the work; and

(g) such other particulars as may be prescribed.

(3) The draft scheme so prepared shall be submitted to the Board, which may either approve the scheme with or without modifications or may reject it and prepare or cause to be prepared, a fresh scheme in lieu thereof.

Publication of scheme and inviting objections.

5. (1) Copies of the scheme as approved or prepared or caused to be prepared by the Board under sub-section (3) of section 4, together with the connected maps and plans, if any, shall be forwarded to the Collector and shall be made available by him for inspection by the public free of charge in every village and at the headquarters of the taluk, in which the lands proposed to be included in the scheme are situated, at such places as the Collector may direct.

(2) A notice shall be published in the Gazette and also in such newspapers, if any, circulating in the locality as the Collector may direct —

(a) intimating that the scheme has been prepared and that copies thereof have been kept and may be inspected by the public free of charge at the places aforesaid and also that copies of the scheme may be obtained on payment of the cost thereof (which shall be specified in the notice) from the Collector or the Tahsildar and also from any other officer specified in the notice;

(b) requiring all persons affected by the scheme who wish to object to it or to any part thereof, to submit their objections in writing to the Inquiring Officer or to appear before him and state their objections, within thirty days of the publication of the notice or within such longer period as may be specified therein;

(3) Separate notices to the same effect shall also be served in the prescribed manner on all owners of the lands affected by the scheme and in so far as such service may be practicable on all persons shown in the village records as interested in such lands.

Report of the Inquiring Officer.

6. The Inquiring Officer shall inquire into all the objections received or recorded by him and submit them to the Board together with his report thereon and his recommendations, if any, for the modification of the scheme.

Powers of the Board to sanction scheme with or without modification.

7. (1) After considering the objections and the report and recommendations of the Inquiring Officer submitted under section 6 and any further report which the Board may require the Inquiring Officer to submit, the Board may—

(a) sanction the scheme with or without modifications, or

(b) reject the scheme and direct that in lieu thereof a fresh scheme be prepared and submitted for sanction.

(2) The decision of the Board under sub-section (1) shall be published in the manner provided in sub-section (2) of section 5.

(3) Any person aggrieved by the decision of the Board under this section may appeal to Government within thirty days from the date of publication and Government may pass such order thereon as they think fit.

(4) The scheme as sanctioned under sub-section (1), subject to any modification that may be made in appeal under sub-section (3), shall be published in the Gazette and also in every village and at the headquarters of the taluk in which the lands included in the scheme are situated, at such places and in such manner as the Collector may direct. Copies of the scheme shall also be sold at the offices of the Collector and of the Tahsildar and at such other offices and at such prices as the Collector may specify.

Effect of scheme.

8. On the date on which the scheme is published in the Gazette under sub-section (4) of Section 7, it shall come into force and shall have effect as if it were enacted in this Act.

Power to enforce scheme.

9. (1) After the scheme has come into force as provided for in Section 8, the Board shall direct the Land Development Officer to execute it.

(2) The Land Development Officer shall give notice in the prescribed form to all the owners of the lands included in the scheme requiring them to carry out within a specified period such works as they are liable to carry out under the scheme.

(3) If any owner fails to carry out any work to the satisfaction of the Land Development Officer, before the date fixed by him or at any time expresses in writing to the Land Development Officer his inability to carry out the work, the Land Development Officer may himself get the work carried out and the expenses incurred by the Land Development Officer for the said purpose shall be recovered from the owner in such equated annual instalments as may be specified by the Board and subject to such rules as may be prescribed, provided that on default of payment of three instalments, the unpaid balance shall become payable in a lump.

(4) Where the owner of any land included in the scheme is Government, the Department of Government which has the control or the management of such land or the Land Development Officer directed in this behalf by Government, shall carry out the works which Government are liable to carry out under the scheme.

Liability of persons whose lands are not included in the scheme to contribute.

10. (1) If, in consequence of any work carried out under Section 9 at the expense of the owner of any land under the scheme, any other person including Government is or is likely, in the opinion of the Board, to be benefited by such work, that person shall pay by way of contribution such amount as the Board may determine;

Provided that, before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representation, if any, in regard to the matter:

Provided further that Government may in such cases as they deem fit, waive in whole or in part their claim for contribution by any person in respect of any work carried out by Government on lands owned by them.

(2) The amount determined by the Board under sub-section (1) shall be paid within such time either in lump or in such equated annual instalments together with interest thereon, as may be specified by the Board. On the failure of any person to pay the amount within the specified time or on default of payment of three instalments the unpaid balance (which shall be deemed to become payable in a lump on the occurrence of the default) the Collector or any person authorised by him in this behalf shall recover the amount or the unpaid balance, as the case may be, from him and shall pay the same to the owner.

Reference to Court.

11. (1) Any owner or other person liable to pay the expenses under Section 9 or to contribute towards expenses under Section 10 and who objects to the amount of such liability, may, within one month from the date of the order fixing such liability to pay or to contribute by written application to the Board, stating the grounds on which objection is taken, require that the matter may be referred for the determination of the Court. The Board shall thereupon, cause a reference to be made to the Court by the Collector. If satisfactory grounds are shown for not applying for reference within one month, the delay may be condoned.

(2) The procedure laid down under the Land Acquisition Act for the time being in force relating to references to Court under the said Act shall, as far as may be, apply to references to Court under this section.

Explanation.—"Court" in this Section shall mean the District Court having jurisdiction over the area in which such work is carried out.

Grant of loan for carrying out work under any scheme.

12. (1) The Land Development Officer may with the approval of the Board and subject to such rules as may be prescribed advance a loan to any person for carrying out any work under any scheme on such terms and conditions as may be specified.

(2) The amount of loan or any instalment thereof or interest thereon which may be due but not repaid in accordance with the terms and conditions of the loan may without prejudice to any other remedy provided by law be recovered as arrears of land revenue.

Right of entry

13. For the purposes of preparing, sanctioning, inquiring into or executing any scheme or for inspecting any work any of the following officers or persons may, after giving such notice as may be prescribed to the owner, enter upon, survey and mark out such land and do all such other acts as may be necessary for the purpose of preparing,

inquiring into or executing any scheme or for the purpose of inspecting works already carried out, as the case may be, under a scheme:—

(a) the Land Development Officer,
(b) the Inquiring Officer,
(c) the Collector,
(d) the Chairman or any member of the Board,
(e) any officer or person authorised by the Board or by any of the officers referred to in clauses (a), (b) and (c).

Maintenance, repair and use of works carried out under the scheme.

14. (1) The Land Development Officer shall, as soon as may be after the execution of the work, prepare a statement setting out —

(a) the names of the owners of the lands included in the scheme;

(b) a map and plan, if any, showing the situation, nature and dimensions of the said works;

(c) in regard to each such work, the owner or owners liable to maintain and repair it, and the extent of the liability of each such owner;

(d) the rights, if any, of the owners or any of them as regards the use of any such works; and

(e) such other matters as may be prescribed.

(2) After a statement as aforesaid has been prepared, a notice shall be published in the manner prescribed intimating that a statement has been prepared and that it may be inspected at such places as may be specified in the notice.

(3) Against any entry in the statement so published an appeal shall lie to the Collector within two months from the date of publication of the notice referred to in sub-section (2). The Collector may also revise the statement from time to time subject to such rules as may be prescribed; and whenever the statement is revised, notice shall be given of the fact of such revision in the prescribed manner.

Obligations of persons to maintain and repair works.

15. (1) Every owner shown in the statement prepered under Section 14 as liable to maintain and repair the work shall, to the satisfaction of the Collector and within such time as the Collector may fix, maintain, and repair the work in respect of which he is shown as liable in the said statement.

(2) If any such owner fails to maintain or repair the work within the time fixed by the Collector under sub-section (1), the Collector shall cause the work to be maintained or repaired and the expenses incurred thereby shall be recovered from the owner and such other person, if any, liable to contribute.

Amounts to be recoverable as arrears of land revenue.

16. All amounts payable to, or recoverable by, Government, the Board or any officer of Government under this Act, shall be recoverable as arrears of land revenue.

17. Notwithstanding anything contained in any other law for the time being in force or in any contract, it shall be lawful for the owner of any land included in the scheme as liable to carry out the work to enhance the rent payable by a tenant holding under him if such tenant is benefited by the work under the scheme and there has been increase in the yield of the holding. The enhancement of rent shall be by such amount in proportion to the increase in the yield and subject to such conditions as may be prescribed.

Permission to owners to increase rent on account of improvements effected

The Board shall decide whether or not there has been any increase in yield, and if there has been, the quantity of such increase and the extent to which the tenant has benefited thereby, and the decision of the Board shall be final.

18. The Collector may delegate to any revenue officer subordinate to him not below the rank of a Tahsildar any of the powers conferred on him by or under this Act.

Delegation of powers.

19. The Chairman and members of the Board and all officers and persons authorised or appointed under any of the provisions of this Act shall be deemed to be public servants within the meaning of Section 15 of the Travancore or Cochin Penal Code.

Certain officers to be public servants.

20. (1) No suit or other proceeding shall lie against Government or the Board for any act done or purporting to be done under this Act or any rule made thereunder.

Protection of persons acting in good faith; limitation of suits and prosecutions.

(2) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules thereunder.

(3) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of any thing done or intended to be done under this Act unless the suit or prosecution has been instituted within six months from the date of the act complained of.

21. (1) Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters namely :—

(a) the matters to be prescribed under sub-sections (1) and (2) of Section 4 ;

(b) the form of the notice and the manner in which such notice shall be given under Section 9 ;

(c) the matters to be prescribed under Section 14, sub-section (1) clause (e);

(d) the manner in which and the offices where the statement prepared under Section 14 shall be kept and maintained;

(e) the extent of enhancement of rent and the conditions subject to which the enhancement may be made under Section 17; and

(f) any other matter to be prescribed under this Act.

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication.

(4) All Rules made under this section shall be laid before the Legislative Assembly as soon as possible after they are made and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid.

THE TRAVANCORE—COCHIN LEGISLATIVE ASSEMBLY.

The following Bill was introduced in the Travancore-Cochin Legislative Assembly on the 10th November 1950.

THE COCHIN CO-OPERATIVE LAND MORTGAGE BANK ACT (AMENDMENT) BILL.

Preamble. Whereas it is deemed necessary to amend the Cochin Co-operative Land Mortgage Bank Act, XXV of 1111, for the purpose hereinafter appearing,

It is hereby enacted as follows:—

Short title, and commencement. 1. (i) This Act may be called the Cochin Co-operative Land Mortgage Bank Act (Amendment) Act, 1950;

(ii) It shall come into force at once.

2. Section 2, of the Cochin Co-operative Land Mortgage Bank Act, XXV of 1111, may be recast as follows:—

> "2. It extends to the whole of the Trichur District of the State of Travancore-Cochin comprising the taluks of Chittur, Thalapilly, Trichur, Mukundapuram, Cranganore, Parur, Kunnathunad and Cochin Kanayannur."

STATEMENT OF OBJECTS AND REASONS.

The Cochin Co-operative Land Mortgage Bank Act XXV of 1111 extends to the whole of erstwhile Cochin State. At present the activities of the Cochin Co-operative Land Mortgage Bank is throughout Cochin Area. Recently Parur and Kunnathunad taluks have been included in the Trichur District. The object of the Bill is to extend the activities of the Land Mortgage Bank to the whole of Trichur District.

K. I. VELAYUDHAN.

Legislative Assembly
Secretariat, Trivandrum,
6th December 1950

V. KRISHNAMOORTHI AIYAR,
Secretary to the Legislative Assembly.